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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,251	10/14/2003	Tsu-Ming Huang	AP3047-MQV3BA01	3031
7590 10/29/2004			EXAMINER HURLEY, SHAUN R	
Tsu-Ming Huang 235 Chung-Ho Box 8-24 Taipei, TAIWAN			ART UNIT 3765	
DATE MAILED: 10/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,251

Applicant(s)

HUANG, TSU-MING

Examiner

Shaun R Hurley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: G, S. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:
Page 4, line 3: "he" should read --the--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Examiner does not know what type of false twisting device Applicant is utilizing to perform the false twisting. He claims a driving roller and a package roller, but such terms are not known in the art. Further, when Examiner refers to the drawings for guidance, it is unclear how such rollers can cause a twisting motion since their axis are parallel to one another, which would simply appear to press the yarn between the rollers. As such, Examiner understands a false twister is used, but what type is unknown.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 (as best understood), and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mang (4329841) in view of Hatch (TEXTILE SCIENCE) and Kutnyak et al (4196755).

Mang teaches a method of manufacturing yarns (Figure 2) comprising fabricating polypropylene filaments into yarns (Column 2, line 45), feeding the yarns into a false twisting machine (5), stretching the yarn (3, 6, 8, differing speeds of feed), heat treating the yarn (4, 7), and winding the yarn upon output (9). While Mang essentially teaches the invention as described, he fails to specifically teach anti-bacterially treating a textile material. Hatch teaches us that it is well known to treat textiles with antibacterial coatings, so as to prevent the growth of molds and mildew (Page 399, first full paragraph: Bound antimicrobials). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to treat the

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polypropylene filament yarn of Mang with an anti-bacterial coating, so as to prevent the molding and mildewing of the yarn of Mang, enabling greater variety of uses for the yarn, including those in damp environments. Likewise, while Mang essentially teaches the invention as described, he fails to specifically teach how to apply coatings to textiles such as yarns. Kutnyak teaches that it is well known to utilize a roller having perforations connected to a central material inlet (Figure 8, details 41,42; Column 4, lines 37) to allow a treatment fluid to flow during rotation of the roller, and adhere to a yarn. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to utilize the perforated roller teachings of Kutnyak in the method of producing the yarn of Mang so as to supply any myriad of treatments to the yarn, including antibacterial treatments. The ordinarily skilled artisan understands that yarns are routinely treated with antistatics, antibacterials, and oils to aid in processing and end use, and would know to use a well known grooved roller having the perforations and pump as taught by Kutnyak to do such. Likewise, the process of producing such a yarn would obviously teach the yarn itself as a result.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Enders et al (6258406) teaches what is well known in the yarn treating art.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun R Hurley whose telephone number is (703) 605-1236. The examiner can normally be reached on Mon - Fri, 6:30am - 3:00pm, off every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SRH
26 October 2004


Shaun R Hurley
Patent Examiner
Tech Center 3700